

**Pilgrim Area Collaborative (PAC)**

**SPECIAL EDUCATION**

**LEGAL STANDARDS,  
COMPLIANCE RATINGS AND  
COMMENTS**

| CRITERION NUMBER  | ASSESSMENT OF STUDENTS   |   |  |
|---|--|---|--|
|   | <b>Legal Standard</b>  |   |  |
| <p style="text-align: center;"><b>SE 5</b></p>  | <p><b>Participation in general State and district-wide assessment programs</b><br/>All students with disabilities, including those enrolled in out-of-district placements, are included in the Massachusetts Comprehensive Assessment System (MCAS) and other district-wide assessment programs.</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>State Requirements</b><br/>St. 2003, c. 140, s. 119;<br/>603 CMR 30.05(2),(3),(5)</p> </td> <td style="width: 50%; vertical-align: top;"> <p><b>Federal Requirements</b><br/>20 U.S.C. 1412(a)(16)</p> </td> </tr> </table> <p><i>SE 5 is related to State Performance Plan Indicator 3.</i><br/>(See <a href="http://www.doe.mass.edu/sped/spp/">http://www.doe.mass.edu/sped/spp/</a>.)</p> <p><i>See also Administrative Advisories SPED 2002-4-REVISED: Special Education Students in Out-of-District Placements - Participation in MCAS Testing and High School Graduation Standards and SPED 2004-2: AYP and Students with Disabilities.</i></p> | <p><b>State Requirements</b><br/>St. 2003, c. 140, s. 119;<br/>603 CMR 30.05(2),(3),(5)</p> | <p><b>Federal Requirements</b><br/>20 U.S.C. 1412(a)(16)</p> |
| <p><b>State Requirements</b><br/>St. 2003, c. 140, s. 119;<br/>603 CMR 30.05(2),(3),(5)</p> | <p><b>Federal Requirements</b><br/>20 U.S.C. 1412(a)(16)</p>   |   |  |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| CRITERION NUMBER   | ASSESSMENT OF STUDENTS  |  |   |
|--|---|--|---|
|  | <b>Legal Standard</b>   |  |   |
| <p style="text-align: center;"><b>SE 6</b></p>   | <p><b>Determination of transition services</b><br/>The Team discusses the student’s transition needs annually beginning no later than when the student is 14 years old and documents its discussion on the Transition Planning Form.</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>State Requirements</b><br/>M.G.L.c.71B, Sections 12A-C<br/>603 CMR 28.05(4)(c)</p> </td> <td style="width: 50%; vertical-align: top;"> <p><b>Federal Requirements</b><br/>34 CFR 300.320(b); 300.321(b);<br/>300.322(b)(2); 300.324(c)</p> </td> </tr> </table> | <p><b>State Requirements</b><br/>M.G.L.c.71B, Sections 12A-C<br/>603 CMR 28.05(4)(c)</p> | <p><b>Federal Requirements</b><br/>34 CFR 300.320(b); 300.321(b);<br/>300.322(b)(2); 300.324(c)</p> |
| <p><b>State Requirements</b><br/>M.G.L.c.71B, Sections 12A-C<br/>603 CMR 28.05(4)(c)</p> | <p><b>Federal Requirements</b><br/>34 CFR 300.320(b); 300.321(b);<br/>300.322(b)(2); 300.324(c)</p>   |  |   |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| CRITERION NUMBER |  |
|------------------|--|
|                  | Legal Standard   |
| SE 13            | <p><b>Progress Reports and content</b></p> <ol style="list-style-type: none"> <li>1. Parents receive reports on the student's progress toward reaching the goals set in the IEP at least as often as parents are informed of the progress of non-disabled students.</li> <li>2. Progress report information sent to parents includes written information on the student's progress toward the annual goals in the IEP.</li> <li>3. Where a student's eligibility terminates because the student has graduated from secondary school or exceeded the age of eligibility, the collaborative provides the student with a summary of his or her academic achievement and functional performance, including recommendations on how to assist the student in meeting his or her postsecondary goals.</li> </ol> <p><b>State Requirements</b><br/>603 CMR 28.07(3)</p> <p><b>Federal Requirements</b><br/>34 CFR 300.305(e)(3); 300.320(a)(3)</p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| CRITERION NUMBER | STUDENT IDENTIFICATION AND PROGRAM PLACEMENT  |
|------------------|---|
|                  | Legal Standard  |
| SE 22            | <p><b>IEP implementation and availability</b></p> <ol style="list-style-type: none"> <li>1. Where the IEP of the student in need of special education has been accepted in whole or in part by that student's parent, the collaborative provides the mutually agreed upon services without delay.</li> <li>2. At the beginning of each school year, there is an IEP in effect for each enrolled student.</li> <li>3. Each teacher and provider described in the IEP is informed of his or her specific responsibilities related to the implementation of the student's IEP and the specific accommodations, modifications, and supports that must be provided for the student under it.</li> <li>4. The collaborative does not delay implementation of the IEP due to lack of classroom space or personnel, provides as many of the services on the accepted IEP as possible and immediately informs the responsible school district and parents in writing of any delayed services, reasons for delay, actions that the collaborative is taking to address the lack of space or personnel and offers alternative methods to meet the goals on the accepted IEP. Upon agreement of the responsible school district and parents, the collaborative implements</li> </ol> |

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| CRITERION NUMBER   | STUDENT IDENTIFICATION AND PROGRAM PLACEMENT   |  |   |
|--|--|--|---|
|  | <b>Legal Standard</b>  |  |   |
|  | <p>alternative methods immediately until the lack of space or personnel issues are resolved.</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>State Requirements</b><br/> 603 CMR 28.05(7)(b); 28.06(2)(d)(2) </td> <td style="width: 50%; vertical-align: top;"> <b>Federal Requirements</b><br/> 34 CFR 300.323 </td> </tr> </table> <p>SE 22 is related to State Performance Plan Indicator 3.</p> | <b>State Requirements</b><br>603 CMR 28.05(7)(b); 28.06(2)(d)(2) | <b>Federal Requirements</b><br>34 CFR 300.323 |
| <b>State Requirements</b><br>603 CMR 28.05(7)(b); 28.06(2)(d)(2) | <b>Federal Requirements</b><br>34 CFR 300.323  |  |   |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| CRITERION NUMBER                              | PARENT AND COMMUNITY INVOLVEMENT   |   |  |
|---|--|---|--|
|   | <b>Legal Standard</b>  |   |  |
| <b>SE 29</b>                                  | <p><b>Communications are in English and primary language of home</b></p> <ol style="list-style-type: none"> <li>1. Communications with parents are in clear and commonly understood words and are in both English and the primary language of the home if such primary language is other than English. Any interpreter used in fulfilling these requirements is fluent in the primary language of the home and familiar with special education procedures, programs, and services. If the parents or the student are unable to read in any language or are blind or deaf, communications required by these regulations are made orally in English with the use of a foreign language interpreter, in Braille, in sign language, via TTY, or in writing, whichever is appropriate, and all such communications are documented.</li> <li>2. If the collaborative provides notices orally or in some other mode of communication that is not written language, the collaborative keeps written documentation (a) that it has provided such notice in an alternate manner, (b) of the content of the notice and (c) of the steps taken to ensure that the parent understands the content of the notice.</li> </ol> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>State Requirements</b><br/> 603 CMR 28.07(8) </td> <td style="width: 50%; vertical-align: top;"> <b>Federal Requirements</b><br/> 34 CFR 300.322(e); 300.503(c) </td> </tr> </table> <p>SE 29 is related to State Performance Plan Indicator 8.<br/> (See <a href="http://www.doe.mass.edu/sped/spp/">http://www.doe.mass.edu/sped/spp/</a>.)</p> | <b>State Requirements</b><br>603 CMR 28.07(8) | <b>Federal Requirements</b><br>34 CFR 300.322(e); 300.503(c) |
| <b>State Requirements</b><br>603 CMR 28.07(8) | <b>Federal Requirements</b><br>34 CFR 300.322(e); 300.503(c)   |   |  |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| CRITERION NUMBER | CURRICULUM AND INSTRUCTION   |
|------------------|--|
|                  | <b>Legal Standard</b>  |
| <b>SE 35</b>     | <p><b>Assistive technology: specialized materials and equipment</b></p> <p>1. Specialized materials and equipment specified in IEPs are provided.</p> <p>2. Evidence is provided that assistive technology is considered for each eligible student and—if the student needs it in order to receive a free, appropriate public education—is described in the IEP and provided.</p> <p style="text-align: center;"><b>State Requirements</b> <span style="float: right;"><b>Federal Requirements</b></span></p> <p style="text-align: right;">34 CFR 300.105; 300.324(a)(2)(v)</p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| CRITERION NUMBER | CURRICULUM AND INSTRUCTION   |
|------------------|--|
|                  | <b>Legal Standard</b>  |
| <b>SE 40</b>     | <p><b>Instructional grouping requirements for students aged five and older</b></p> <p>1. The size and composition of instructional groupings for eligible students receiving services outside the general education classroom are compatible with the methods and goals stated in each student's IEP.</p> <p>2. Instructional grouping size requirements are maximum sizes and the collaborative exercises judgment in determining appropriate group size and supports for smaller instructional groups serving students with complex special needs.</p> <p>3. When eligible students are assigned to instructional groupings outside of the general education classroom for <u>60% or less of the students' school schedule</u>, group size does not exceed</p> <ul style="list-style-type: none"> <li>• 8 students with a certified special educator,</li> <li>• 12 students if the certified special educator is assisted by 1 aide, and</li> <li>• 16 students if the certified special educator is assisted by 2 aides.</li> </ul> <p>4. For eligible students served in settings that are substantially separate, serving solely students with disabilities for <u>more than 60% of the students' school schedule</u>, the collaborative provides instructional groupings that do not exceed</p> |

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|------------------|---|
|                  | <b>Legal Standard</b>   |
|                  | <ul style="list-style-type: none"> <li>• 8 students to 1 certified special educator, or</li> <li>• 12 students to 1 certified special educator and 1 aide.</li> </ul> <p>5. After the school year has begun, if instructional groups have reached maximum size as delineated in parts 3 and 4 of this criterion, the administrator of the program, collaborative director <u>and</u> the certified special educator(s) providing services in an instructional group may decide to increase the size of an instructional grouping by no more than 2 additional students if the additional students have compatible instructional needs.</p> <p>6. In such cases, the collaborative provides written notification to the Department and the parents of all group members of the decision to increase the instructional group size and the reasons for such decision. Such increased instructional group sizes are in effect only for the year in which they are initiated.</p> <p>7. The collaborative takes all steps necessary to reduce the instructional groups to the sizes outlined in parts 3 or 4 of this criterion for subsequent years. Such steps are documented by the collaborative.</p> <p><b>State Requirements</b><br/>603 CMR 28.06(6)</p> <p style="text-align: right;"><b>Federal Requirements</b></p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| CRITERION NUMBER |   |
|------------------|---|
|                  | <b>Legal Standard</b>   |
| SE 41            | <p><b>Age span requirements</b><br/>The ages of the youngest and oldest student in any instructional grouping do not differ by more than 48 months. A written request for approval of a wider age range is submitted to the commissioner of elementary and secondary education in cases where the collaborative believes it is justified. Such requests are implemented only after approval of the Department of Elementary and Secondary Education.</p> <p><b>State Requirements</b><br/>603 CMR 28.06(6)(f)</p> <p style="text-align: right;"><b>Federal Requirements</b></p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| CRITERION NUMBER |  |
|------------------|--|
|                  | <b>Legal Standard</b>  |
| SE 42            | <p><b>Programs for young children three and four years of age</b><br/> <u>General requirements:</u></p> <ol style="list-style-type: none"> <li>1. Where programs are provided for eligible students three and four years of age such programs shall be developmentally appropriate and specially designed for students ages three and four years.</li> <li>2. Reserved</li> <li>3. Where appropriate the Team allows a student to remain in a program designed for three and four year old students for the duration of the school year in which the student turns five years old (including the summer following the date of the student's fifth birthday).</li> </ol> <p><u>Types of Settings:</u><br/> Substantially separate programs for young students are located in a public School classroom or facility that serves primarily or solely students with disabilities. Substantially separate programs adhere to the following standards:</p> <ol style="list-style-type: none"> <li>a. Substantially separate programs are programs in which more than 50% of the students have disabilities.</li> <li>b. Substantially separate programs operated by the collaborative limit class sizes to 9 students with 1 teacher and 1 aide.</li> </ol> <p><b>State Requirements</b><br/>603 CMR 28.06(7)</p> <p><b>Federal Requirements</b><br/>34 CFR 300.101(b); 300.124(b); 300.323(b)</p> |

**Department of Elementary and Secondary Education Comments:**

*At the time of the program review, the collaborative did not have any programs for preschool age children.*

| CRITERION NUMBER | <b>STUDENT SUPPORT SERVICES</b>  |
|------------------|--|
|                  | <b>Legal Standard</b>  |
| SE 43            | <p><b>Behavioral interventions</b><br/> For a student whose behavior impedes their learning or the learning of others, the Team considers the student's behavior including positive behavioral interventions and the possible need for a functional behavioral assessment.</p> <p><b>State Requirements</b></p> <p><b>Federal Requirements</b><br/>34 CFR 300.324(a)(2)(i)</p> |

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| <b>CRITERION NUMBER</b> | <b>STUDENT SUPPORT SERVICES</b>  |
|                         | <b>Legal Standard</b>  |
|                         | SE 43 is related to State Performance Plan Indicator 4.<br>(See <a href="http://www.doe.mass.edu/sped/spp/">http://www.doe.mass.edu/sped/spp/</a> .) |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

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|---------------------------|--|---------------------------|-----------------------------|--|--|
| <b>CRITERION NUMBER</b>   | <b>STUDENT SUPPORT SERVICES</b>  |                           |                             |  |  |
|                           | <b>Legal Standard</b>  |                           |                             |  |  |
| <b>SE 44</b>              | <p><b>Procedure for recording suspensions</b><br/>The collaborative has a procedure to record the number and duration of suspensions from any part of the student’s program, including suspensions from special transportation prescribed by the IEP.</p> <table border="0"> <tr> <td><b>State Requirements</b></td> <td><b>Federal Requirements</b></td> </tr> <tr> <td></td> <td>34 CFR 300.530; IDEA 2004 Final Regulations, Analysis of Comments and Changes, Federal Register 71 (14 August 2006): 46715</td> </tr> </table> <p>SE 44 is related to State Performance Plan Indicator 4. (See <a href="http://www.doe.mass.edu/sped/spp/">http://www.doe.mass.edu/sped/spp/</a>.)<br/><i>See also the required reporting of disciplinary data for special education students in the School Safety and Discipline Report (SSDR), as explained at <a href="http://www.doe.mass.edu/infoservices/data/schedule.html">http://www.doe.mass.edu/infoservices/data/schedule.html</a>.</i></p> | <b>State Requirements</b> | <b>Federal Requirements</b> |  | 34 CFR 300.530; IDEA 2004 Final Regulations, Analysis of Comments and Changes, Federal Register 71 (14 August 2006): 46715 |
| <b>State Requirements</b> | <b>Federal Requirements</b>  |                           |                             |  |  |
|                           | 34 CFR 300.530; IDEA 2004 Final Regulations, Analysis of Comments and Changes, Federal Register 71 (14 August 2006): 46715   |                           |                             |  |  |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*



| CRITERION NUMBER |   |
|------------------|---|
|                  | <b>Legal Standard</b>   |
| SE 45            | <p><b>Procedures for suspension up to 10 days and after 10 days: General requirements</b></p> <ul style="list-style-type: none"> <li>• Any eligible student may be suspended up to 10 days in any school year without implementation of procedures described in criterion SE 46 below.</li> <li>• After a student with special needs has been suspended for 10 days in any school year, during any subsequent removal the public school provides sufficient services for the student to continue to receive a free and appropriate public education.</li> <li>• The collaborative provides additional procedural safeguards for students with disabilities prior to any suspension beyond 10 consecutive days or more than 10 cumulative days (if there is a pattern of suspension) in any school year.</li> </ul> <p><b>State Requirements</b><br/>M.G.L. c. 76, sections 16-17</p> <p style="text-align: right;"><b>Federal Requirements</b><br/>34 CFR 300.530-537</p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| CRITERION NUMBER |  |
|------------------|--|
|                  | <b>Legal Standard</b>  |
| SE 46            | <p><b>Procedures for suspension of students with disabilities when suspensions exceed 10 consecutive school days or a pattern has developed for suspensions exceeding 10 cumulative days; responsibilities of the Team; responsibilities of the district</b></p> <ol style="list-style-type: none"> <li>1. A suspension of longer than 10 consecutive days or a series of suspensions that are shorter than 10 consecutive days but constitute a pattern are considered to represent a change in placement.</li> <li>2. When a suspension constitutes a change in placement of a student with disabilities, the collaborative, district personnel, the parent, and other relevant members of the Team, as determined by the collaborative, parent and the district, convene within 10 days of the decision to suspend to review all relevant information in the student’s file, including the IEP, any teacher observations, and any relevant information from the parents, to determine whether the behavior was caused by or had a direct and substantial relationship to the disability or was the direct result of the failure to implement the IEP—“a manifestation determination.”</li> <li>3. If collaborative and district personnel, the parent, and other relevant members of the Team determine that the behavior is <u>NOT</u> a manifestation of the disability,</li> </ol> |

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|------------------|---|
|                  | <b>Legal Standard</b>   |
|                  | <p>then the suspension or expulsion may go forward consistent with the collaborative policies and procedures and the student must be offered:</p> <ul style="list-style-type: none"> <li>a. services to enable the student, although in another setting, to continue to participate in the general education curriculum and to progress toward IEP goals; and</li> <li>b. as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, to address the behavior so that it does not recur.</li> </ul> <p>4. If collaborative and district personnel, the parent, and other relevant members of the Team determine that the behavior <u>IS</u> a manifestation of the disability, then the Team completes a functional behavioral assessment and behavioral intervention plan if it has not already done so. If a behavioral intervention plan is already in place, the Team reviews it and modifies it, as necessary, to address the behavior. Except when he or she has been placed in an interim alternative educational setting the student returns to the original placement unless the collaborative, parents and district agree otherwise or the hearing officer orders a new placement.</p> <p>5. Not later than the date of the decision to take disciplinary action, the parents are notified of that decision and provided with the written notice of procedural safeguards. Any party may requests a hearing because it believes that maintaining the student’s current placement is substantially likely to result in injury to the student or others, the student remains in the disciplinary placement, if any, until the decision of the hearing officer or the end of the time period for the disciplinary action, whichever comes first, unless the parent and the school district agree otherwise.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div data-bbox="393 1213 657 1247"><b>State Requirements</b></div> <div data-bbox="883 1213 1166 1276"><b>Federal Requirements</b><br/>34 CFR 300.530-537</div> </div> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| CRITERION NUMBER |   |
|------------------|---|
|                  | <b>Legal Standard</b>   |
| SE 48            | <p><b>Equal opportunity to participate in educational, nonacademic, extracurricular and ancillary programs, as well as participation in regular education.</b></p> <p>All students receiving special education, regardless of placement, shall have an equal opportunity to participate in and, if appropriate, receive credit for the vocational, supportive, or remedial services that may be available as part of the general education program as well as the non-academic and extracurricular programs of the public school where the collaborative program is located.</p> <p>Programs, services, and activities include, but are not limited to:</p> <ol style="list-style-type: none"> <li>1. art and music</li> <li>2. vocational education, industrial arts, and consumer and homemaking education</li> <li>3. work study and employment opportunities</li> <li>4. counseling services</li> <li>5. health services</li> <li>6. transportation</li> <li>7. recess and physical education, including adapted physical education</li> <li>8. athletics and recreational activities</li> <li>9. school-sponsored groups or clubs</li> <li>10. meals</li> </ol> <p><b>State Requirements</b><br/>603 CMR 28.06(5)</p> <p><b>Federal Requirements</b><br/>34 CFR 300.101 – 113</p> <p>SE 48 is related to State Performance Plan Indicator 5.<br/>(See <a href="http://www.doe.mass.edu/sped/spp/">http://www.doe.mass.edu/sped/spp/</a>.)</p> <p><i>See also</i> Administrative Advisory SPED 2002-3: Vocational Educational Services for Students with Disabilities<br/>603 CMR 28.06(5)</p> <p style="text-align: right;">34 CFR 300.101 – 113</p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| CRITERION NUMBER |  |
|------------------|--|
|                  | <b>Legal Standard</b>  |
| SE 49            | <p><b>Related services</b><br/> For each student with special education needs found to require related services the collaborative provides or arranges for the provision of transportation and such developmental, corrective, and other supportive services as are required to assist a student to benefit from special education or to access the general curriculum, and includes:</p> <ol style="list-style-type: none"> <li>1. speech-language pathology and audiology services</li> <li>2. psychological services</li> <li>3. physical therapy</li> <li>4. occupational therapy</li> <li>5. recreation, including therapeutic recreation</li> <li>6. counseling services, including rehabilitation counseling</li> <li>7. orientation and mobility services (peripatology)</li> <li>8. medical services for diagnostic or evaluation purposes</li> <li>9. school health services, including school nurse services</li> <li>10. social work services</li> <li>11. parent counseling and training, and</li> <li>12. interpreting services.</li> </ol> <p><b>State Requirements</b><br/>603 CMR 28.02(18)</p> <p><b>Federal Requirements)</b><br/>34 CFR 300.34; 300.323(c)</p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| CRITERION NUMBER | <b>FACULTY, STAFF AND ADMINISTRATION</b>   |
|------------------|--|
|                  | <b>Legal Standard</b>  |
| SE 51            | <p><b>Appropriate special education teacher licensure</b><br/> Individuals who design and/or provide direct special education services described in IEPs are appropriately licensed.</p> <p><b>State Requirements</b><br/>M.G.L. c. 71, s. 38G; s. 89(qq);<br/>603 CMR 1.07; 7.00; 28.02(3)</p> <p><b>Federal Requirements</b><br/>34 CFR 300.18; 300.156</p> <p><i>See also</i> Massachusetts Charter Schools Technical Advisory 07-01 at</p> |

|                         |   |
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| <b>CRITERION NUMBER</b> | <b>FACULTY, STAFF AND ADMINISTRATION</b>  |
|                         | <b>Legal Standard</b>   |
|                         | <a href="http://www.doe.mass.edu/charter/tech_advisory/07_1.html">http://www.doe.mass.edu/charter/tech_advisory/07_1.html</a> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified with this criterion.*

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| <b>CRITERION NUMBER</b> |  |
|                         | <b>Legal Standard</b>  |
| <b>SE 52</b>            | <p><b>Appropriate certifications/licenses or other credentials -- related service providers</b><br/> Any person, including non-educational personnel, who provides related services described under federal special education law, who supervises paraprofessionals in the provision of related services, or who provides support services directly to the general or special education classroom teacher is appropriately certified, licensed, board-registered or otherwise approved to provide such services by the relevant professional standards board or agency for the profession.</p> <p><b>State Requirements</b><br/>603 CMR 28.02(3),(18)</p> <p><b>Federal Requirements</b><br/>34 CFR 300.34; 300.156(b)</p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

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|-------------------------|---|
| <b>CRITERION NUMBER</b> |   |
|                         | <b>Legal Standard</b>   |
| <b>SE 52A</b>           | <p><b>Registration of educational interpreters</b><br/> Providers of interpreting services for students who are deaf or hard of hearing must be registered with the Massachusetts Commission for the Deaf and Hard of Hearing.</p> <p><b>State Requirements</b><br/>603 CMR 28.02(3),(18)</p> <p><b>Federal Requirements</b><br/>34 CFR 300.34; 300.156(b)</p> <p><i>See the Memorandum on New Requirements for Registration of Sign Language</i></p> |

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| CRITERION NUMBER |  |
|------------------|--|
|                  | <b>Legal Standard</b>  |
|                  | <p>students with diverse learning styles;<br/> c. methods of collaboration among teachers, paraprofessionals and teacher assistants to accommodate diverse learning styles of all students in the general education classroom;</p> <p>3. If the collaborative provides transportation, then the collaborative provides in-service training for all locally hired <u>and</u> contracted transportation providers, before they begin transporting any special education student receiving special transportation, on his or her needs and appropriate methods of meeting those needs; for any such student it also provides written information on the nature of any needs or problems that may cause difficulties, along with information on appropriate emergency measures. Transportation providers include drivers of general and special education vehicles and any attendants or aides identified by a Team for either type of vehicle.</p> <p><b>State Requirements</b><br/> M.G.L. c. 71, section 38G , 38Q and 38Q ½;<br/> 603 CMR 28.03(1)(a); 28.06(8)(b) and (c)</p> <p><b>Federal Requirements</b></p> <p>Parts 1 and 2 of SE 54 are related to State Performance Plan Indicator 5.<br/> (See <a href="http://www.doe.mass.edu/sped/spp/">http://www.doe.mass.edu/sped/spp/</a>.)</p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| CRITERION NUMBER | SCHOOL FACILITIES  |
|------------------|--|
|                  | <b>Legal Standard</b>  |
| SE 55            | <p><b>Special education facilities and classrooms</b><br/> The school district provides facilities and classrooms for eligible students that</p> <ol style="list-style-type: none"> <li>1. maximize the inclusion of such students into the life of the school;</li> <li>2. provide accessibility in order to implement fully each child’s IEP;</li> <li>3. are at least equal in all physical respects to the average standards of general education facilities and classrooms;</li> <li>4. are given the same priority as general education programs in the allocation of instructional and other space in public schools in order to minimize the separation or stigmatization of eligible students; and</li> <li>5. are not identified by signs or other means that stigmatize such students.</li> </ol> |

|                             |  |   |
|-----------------------------|--|---|
| <b>CRITERION<br/>NUMBER</b> | <b>SCHOOL FACILITIES</b>                         |   |
|                             | <b>Legal Standard</b>                            |   |
|                             | <b>State Requirements</b><br>603 CMR 28.03(1)(b) | <b>Federal Requirements</b><br>Section 504 of the Rehabilitation Act of<br>1973 |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*



**CIVIL RIGHTS  
METHODS OF ADMINISTRATION (CR)  
AND  
OTHER RELATED GENERAL EDUCATION  
REQUIREMENTS**

**LEGAL STANDARDS,  
COMPLIANCE RATINGS AND  
COMMENTS**

| <b>CRITERION NUMBER</b> | <b>CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS PARENTAL INVOLVEMENT</b>  |
|-------------------------|---|
|                         | <b>Legal Standard</b>   |
| <b>CR 6</b>             | <p><b>Availability of in-school programs for pregnant students</b></p> <ol style="list-style-type: none"> <li>1. Pregnant students are permitted to remain in regular classes and participate in extracurricular activities with non-pregnant students throughout their pregnancy, and after giving birth are permitted to return to the same academic and extracurricular program as before the leave.</li> <br/> <li>2. The collaborative does not require a pregnant student to obtain the certification of a physician that the student is physically and emotionally able to continue in school unless it requires such certification for all students for other physical or emotional conditions requiring the attention of a physician.</li> </ol> <p>Title IX: 20 U.S.C. 1681; 34 CFR 106.40(b)</p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| <b>CRITERION NUMBER</b> | <b>CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS PARENTAL INVOLVEMENT</b>  |
|-------------------------|---|
|                         | <b>Legal Standard</b>   |
| <b>CR 7</b>             | <p><b>Information to be translated into languages other than English</b></p> <ol style="list-style-type: none"> <li>1. Important information and documents, e.g. handbooks and codes of conduct, being distributed to parents are translated into the major languages spoken by parents or guardians with limited English skills; the district has established a system of oral interpretation to assist parents/guardians with limited English skills, including those who speak low-incidence languages.</li> <li>2. Collaborative recruitment and promotional materials being disseminated to residents in the area served by the school or program are translated into the major languages spoken by residents with limited English skills.</li> </ol> <p>Title VI; EEOA: 20 U.S.C. 1703(f); M.G.L. c. 76, s. 5; 603 CMR 26.02(2)</p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| CRITERION NUMBER | CURRICULUM AND INSTRUCTION  |
|------------------|---|
|                  | <b>Legal Standard</b>   |
| CR 7A            | <p><b>School year schedules</b></p> <ol style="list-style-type: none"> <li>1. Before the beginning of each school year, the collaborative sets a school year schedule for each school. The school year includes at least 185 school days for students in grades 1-12 at each elementary, middle, and secondary school/program in the collaborative and these schools/programs are in operation for at least 180 days a year for these students.</li> <li>2. The collaborative ensures that unless his or her IEP provides otherwise, each elementary school student is scheduled for at least 900 hours of structured learning time a year and each secondary school student is scheduled for at least 990 hours of structured learning time a year, within the required school year schedule. Where the collaborative operates separate middle schools, it designates each one as either elementary or secondary.</li> <li>3. Where the collaborative sets a separate school year and school day schedule for kindergarten programs, it provides at least 425 hours of structured learning time a year. If the collaborative schedules two sessions of kindergarten a day, it ensures equal instructional time for all kindergarten students.</li> </ol> <p>M.G.L. c. 69, § 1G; 603 CMR 27.03, 27.04</p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| CRITERION NUMBER |   |
|------------------|---|
|                  | <b>Legal Standard</b>   |
| CR 7B            | <p><b>Structured learning time</b></p> <ol style="list-style-type: none"> <li>1. The collaborative ensures that its structured learning time is time during which students are engaged in regularly scheduled instruction, learning, or assessments within the curriculum of core subjects and other subjects as defined in 603 CMR 27.02 (including physical education, required by M.G.L. c. 71, s. 3). The collaborative's structured learning time may include directed study (activities directly related to a program of studies, with a teacher available to assist students), independent study (a rigorous, individually designed program under the direction of a teacher, assigned a grade and credit), technology-assisted learning, presentations by persons other than teachers, school-to-work programs, and statewide student performance assessments.</li> </ol> |

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| <b>CRITERION NUMBER</b> |  |
|                         | <b>Legal Standard</b>  |
|                         | <p>2. The collaborative ensures that its structured learning time does not include time at breakfast or lunch, passing between classes, in homeroom, at recess, in non-directed study periods (study halls), participating in optional school programs, or receiving school services such as health screening, speech, or physical and occupational therapy, except where those services are prescribed by a student's IEP.</p> <p>3. The hours spent in any type of structured learning time are verified by the collaborative. Where the collaborative counts independent study or a school-to-work program as structured learning time, it has guidelines that explain clearly how hours spent by students are verified.</p> <p>M.G.L. c. 69, s. 1G; 603 CMR 27.02, 27.04</p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

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|-------------------------|--|
| <b>CRITERION NUMBER</b> |  |
|                         | <b>Legal Standard</b>  |
| <b>CR 7C</b>            | <p><b>Early release of high school seniors</b><br/> When the collaborative schedules the early release at the end of the year of the senior class of a high school, it does so in a way that conforms with Board of Education requirements under 603 CMR 27.05, ensuring that neither the conclusion of the seniors' school year nor graduation is more than 12 school days before the regular scheduled closing date of that school.</p> <p>M.G.L. c. 69, § 1G; 603 CMR 27.05</p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| CRITERION NUMBER |   |
|------------------|---|
|                  | <b>Legal Standard</b>   |
| <b>CR 8</b>      | <p><b>Accessibility of extracurricular activities</b></p> <ol style="list-style-type: none"> <li>1. The collaborative provides equal opportunity for all students to participate in intramural and interscholastic sports.</li> <li>2. Extracurricular activities or clubs sponsored by the collaborative do not exclude students on the basis of race, sex, gender identity, color, religion, national origin, sexual orientation, disability, or homelessness.</li> </ol> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.41; Section 504: 29 U.S.C. 794; 34 CFR 104.4, 104.37(a), (c); Title II: 42 U.S.C. 12132; 28 CFR 35.130; NCLB: Title X, Part C, Sec. 721; Mass. Const. amend. art 114; M.G.L. c. 76, s. 5; 603 CMR 26.06(1) as amended by Chapter 199 of the Acts of 2011</p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| CRITERION NUMBER |  |
|------------------|--|
|                  | <b>Legal Standard</b>  |
| <b>CR 9</b>      | <p><b>Hiring and employment practices of prospective employers of students</b></p> <ol style="list-style-type: none"> <li>1. The collaborative requires employers recruiting at the school to sign a statement that the employer complies with applicable federal and state laws prohibiting discrimination in hiring or employment practices and the statement specifically includes the following protected categories: race, color, national origin, sex, gender identity, handicap, religion and sexual orientation.</li> <li>2. Prospective employers to whom this criterion applies include those participating in career days and work-study and apprenticeship training programs, as well as those offering cooperative work experiences.</li> </ol> <p>M.G.L. c. 76, s. 5; 603 CMR 26.07(5) as amended by Chapter 199 of the Acts of 2011</p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| <b>CRITERION NUMBER</b> | <b>STUDENT SUPPORT SERVICES</b>  |
|-------------------------|--|
|                         | <b>Legal Standard</b>  |
| <b>CR 10</b>            | <p><b>Anti-Hazing Reports</b></p> <ol style="list-style-type: none"> <li>1. The principal/program director of each collaborative secondary school issues a copy of M.G.L. c. 269 §§ 17 through 19, to every student enrolled full-time, and every student group, student team, or student organization, including every unaffiliated student group, student team, or student organization, and a copy of the school’s anti-hazing disciplinary policy approved by the school committee.</li> <li>2. Each collaborative secondary school files, at least annually, a report with the Department certifying <ol style="list-style-type: none"> <li>a) Its compliance with its responsibility to inform student groups, teams, or organizations, and every full-time enrolled student, of the provisions of M.G.L. c. 269 §§ 17 through 19;</li> <li>b) Its adoption of a disciplinary policy with regard to the organizers and participants of hazing; and</li> <li>c) That the hazing policy has been included in the student handbook or other means of communicating school policies to students.</li> </ol> </li> </ol> <p>Authority: M.G.L. c. 269 §§ 17 through 19</p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| <b>CRITERION NUMBER</b> | <b>STUDENT SUPPORT SERVICES</b>  |
|-------------------------|--|
|                         | <b>Legal Standard</b>  |
| <b>CR 10A</b>           | <p><b>Student handbooks and codes of conduct</b></p> <ol style="list-style-type: none"> <li>1. <ol style="list-style-type: none"> <li>a) The collaborative has a code of conduct for students and one for teachers.</li> <li>b) The principal/program director of every collaborative school/program containing grades 9-12 prepares, in consultation with the Board of Directors, a student handbook containing the student code of conduct and distributes it to each student annually, as well as to parents and school personnel; the collaborative revises the student code of conduct every year.</li> <li>c) The principal/program director of every collaborative school/program containing other grades distributes the student code of conduct to students, parents, and personnel annually.</li> <li>d) At the request of a parent or student whose primary language is not English, a student handbook or student code of conduct is translated into that language.</li> </ol> </li> <li>2. Student codes of conduct contain: <ol style="list-style-type: none"> <li>a) procedures assuring due process in disciplinary proceedings and</li> </ol> </li> </ol> |

|  |  |
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|  | <p>b) appropriate procedures for the discipline of students with special needs and students with Section 504 Accommodation Plans.</p> <p>3. Student handbooks and codes of conduct reference M.G.L. c. 76, s. 5 and contain:</p> <p>d) nondiscrimination policy that is consistent with M.G.L. c. 76, s. 5, and affirms the school’s non-tolerance for harassment based on race, color, national origin, sex, religion, or sexual orientation, or discrimination on those same bases;</p> <p>e) the procedure for accepting, investigating and resolving complaints alleging discrimination or harassment; and</p> <p>f) the disciplinary measures that the school may impose if it determines that harassment or discrimination has occurred.</p> <p>Section 504; M.G.L. c. 71, s. 37H; 603 CMR 26.08</p> |
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**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| <b>CRITERION NUMBER</b> | <b>Legal Standard</b>   |
|-------------------------|---|
| <b>CR 10B</b>           | <p><b>Bullying Intervention and Prevention</b></p> <ol style="list-style-type: none"> <li>1. The collaborative must amend school handbooks to include an age-appropriate summary of their new Bullying Prevention and Intervention Plan.</li> <li>2. Collaborative employee handbooks must contain relevant sections of the Plan relating to the duties of faculty and staff.</li> <li>3. Each year the collaborative must give parents and guardians annual written notice of the student-related sections of the local Plan.</li> <li>4. Each year the collaborative must provide all staff with annual written notice of the Plan.</li> <li>5. The collaborative must implement, for all staff professional development that includes developmentally appropriate strategies to prevent bullying incidents; developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment; information on the incidence and nature of cyber-bullying; and internet safety issues as they relate to cyber-bullying.</li> </ol> <p>M.G.L.c. 71, section 37H, as amended by Chapter 92 of the Acts of 2010. M.G.L.c. 71, section 37O (e) (1) &amp; (2). M.G.L.c. 71, section 370(d) as amended by Section 72-74 of Chapter 38 of the Acts of 2013.</p> |

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**Department of Elementary and Secondary Education Comments:**

*A review of documentation indicates that the bullying intervention and prevention policy in student handbooks does not include the required language that staff can be aggressors of bullying.*

| <b>CRITERION NUMBER</b> |  |
|-------------------------|--|
|                         | <b>Legal Standard</b>  |
| <b>CR 10C</b>           | <p><b>Student Discipline</b><br/>The collaborative executive director and board of directors shall ensure that policies and procedures are in place in public preschool, elementary, and secondary programs under its jurisdiction that meet, at a minimum, the requirements of M.G.L.c. 71, section 37H3/4, M.G.L.c. 76, section 21, and 603CMR 53.00. These policies and procedures must address or establish, but are not limited to:</p> <ol style="list-style-type: none"><li>1. The notice of suspension and hearing;</li><li>2. Procedures for emergency removal;</li><li>3. Procedures for principal hearings for both short and long term suspension;</li><li>4. Procedures for in-school suspension;</li><li>5. Procedures for executive director hearing;</li><li>6. Procedures for education services and academic progress (School-wide Education Service Plan);</li><li>7. A system for periodic review of discipline data by special populations;</li><li>8. Alternatives to suspension.</li></ol> <p>M.G.L.c. 71, section 37H3/4, M.G.L.c. 76, section 21, and 603 CMR 53.00, M.G.L.c. 71, section 38R and Chapter 77 of the Acts of 2013.</p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| <b>CRITERION NUMBER</b> |  |
|-------------------------|--|
|                         | <b>Legal Standard</b>  |
| <b>CR 11A</b>           | <p><b>Designation of coordinator(s); grievance procedures</b></p> <ol style="list-style-type: none"><li>1. The collaborative has designated one or more staff persons to serve as coordinator(s) for compliance with its responsibilities under Title IX, Section 504, and (if it employs 50 or more persons) Title II.</li><li>2. The collaborative has adopted and published grievance procedures for students and for employees providing for prompt and equitable resolution of complaints alleging discrimination based on sex or disability.</li></ol> |

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| <b>CRITERION NUMBER</b> |  |
|                         | <b>Legal Standard</b>  |
|                         | Title IX: 20 U.S.C. 1681; 34 CFR 106.8; Section 504: 29 U.S.C. 794; 34 CFR 104.7; Title II: 42 U.S.C. 12132; 28 CFR 35.107 |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

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| <b>CRITERION NUMBER</b> |  |
|                         | <b>Legal Standard</b>  |
| <b>CR 12A</b>           | <p><b>Annual and continuous notification concerning nondiscrimination and coordinators</b></p> <ol style="list-style-type: none"> <li>1. If the collaborative offers vocational education programs, it advises students, parents, employees and the general public before the beginning of each school year that all vocational opportunities will be offered regardless of race, color, national origin, sex or disability. The notice includes a brief summary of program offerings and admission criteria and the name(s), office address(es), and phone number(s) of the person(s) designated under CR 11A to coordinate compliance under Title IX and Section 504.</li> <li>2. In all cases, the collaborative takes continuing steps to notify applicants, students, parents, and employees (including those with impaired vision or hearing), as well as unions or professional organizations holding collective bargaining or professional agreements with the collaborative, that it does not discriminate on the basis of race, color, national origin, sex, or disability. This notice, also, includes the name(s), office address(es), and phone number(s) of the person(s) designated under CR 11A to coordinate compliance under Title IX and Section 504.</li> <li>3. Written materials and other media used to publicize a school include a notice that the collaborative and its programs does not discriminate on the basis of race, color, national origin, sex, gender identity, disability, religion, or sexual orientation.</li> </ol> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.6(d); Title IX: 20 U.S.C. 1681; 34 CFR 106.8(a), 106.9; Section 504: 29 U.S.C. 794; 34 CFR 104.8; M.G.L. c. 76, s. 5; 603 CMR 26.02(2) as amended by Chapter 199 of the Acts of 2011</p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| CRITERION NUMBER |  |
|------------------|--|
|                  | <b>Legal Standard</b>  |
| <b>CR 13</b>     | <p><b>Availability of information and academic counseling on general curricular and occupational/vocational opportunities</b><br/> Students, in grades 7-12, from linguistic, racial, and ethnic minorities; males; females; homeless students; and students with disabilities all receive the same information and academic counseling as other students on the full range of general curricular and any occupational/vocational opportunities available to them.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.36; Section 504: 29 U.S.C. 794; 34 CFR 104.4, 104.37(b); Title II: 42 U.S.C. 12132; 28 CFR 35.130; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Sec. 721; Mass. Const. amend. art. 114; M.G.L. c. 71A, s. 7; c. 76, s. 5; 603 CMR 26.03</p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| CRITERION NUMBER |  |
|------------------|--|
|                  | <b>Legal Standard</b>  |
| <b>CR 14</b>     | <p><b>Counseling and counseling materials free from bias and stereotypes</b><br/> To ensure that counseling and counseling materials are free from bias and stereotypes on the basis of race, color, sex, gender identity, religion, national origin, sexual orientation, disability, and homelessness, all counselors:</p> <ol style="list-style-type: none"> <li>1. encourage students to consider programs of study, courses, extracurricular activities, and occupational opportunities on the basis of individual interests, abilities, and skills;</li> <li>2. examine testing materials for bias and counteract any found bias when administering tests and interpreting test results;</li> <li>3. communicate effectively with limited-English-proficient and disabled students and facilitate their access to all programs and services offered by the district;</li> <li>4. provide limited-English-proficient students with the opportunity to receive guidance and counseling in a language they understand;</li> <li>5. support students in educational and occupational pursuits that are nontraditional for their gender.</li> </ol> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.36; Section 504: 29 U.S.C. 794; 34 CFR 104.4, 104.37; Title II: 42 U.S.C. 12132; 28 CFR 35.130, 35.160; NCLB: Title III,</p> |

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| <b>CRITERION NUMBER</b> |  |
|                         | <b>Legal Standard</b>  |
|                         | Part A, Sec. 3121(c)(1)(C); Title X, Part C, Sec. 721; Mass. Const. amend. art. 114; M.G.L. c. 71A, s. 7; c. 76, s. 5; 603 CMR 26.04, 26.07(8) as amended by Chapter 199 of the Acts of 2011 |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

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| <b>CRITERION NUMBER</b> |  |
|                         | <b>Legal Standard</b>  |
| <b>CR 15</b>            | <p><b>Non-discriminatory administration of scholarships, prizes and awards</b><br/>Scholarships, prizes and awards sponsored or administered by the collaborative are free of restrictions based upon race, color, sex, gender identity, religion, national origin, sexual orientation or disability.</p> <p>The collaborative may post or print information regarding private restricted scholarships as long as no preferential treatment is given to any particular scholarship offered and as long as the school does not endorse or recommend any such scholarship nor advise or suggest to a particular student that he or she apply for such a scholarship.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3; Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.37; Section 504: 29 U.S.C. 794; 34 CFR 104.4(b)(1)(v); Title II: 42 U.S.C. 12132; 28 CFR 35.130(b)(1)(v); Mass. Const. amend. art. 114; M.G.L. c. 76, s. 5; 603 CMR 26.07(7) as amended by Chapter 199 of the Acts of 2011</p> |

**Department of Elementary and Secondary Education Comments:**

*At the time of the Program Review the collaborative does not administer scholarships or awards.*

| <b>CRITERION NUMBER</b> |   |
|-------------------------|---|
|                         | <b>Legal Standard</b>   |
| <b>CR 17A</b>           | <p><b>Use of physical restraint on any student enrolled in a publicly-funded education program</b></p> <ol style="list-style-type: none"> <li>1. The collaborative program must develop and implement written restraint prevention and behavior support policy and procedures consistent with new regulations under 603 CMR 46.00 regarding appropriate responses to student behavior that may require immediate intervention. <ol style="list-style-type: none"> <li>a) Restraint prevention and behavior support policy and procedures shall be annually reviewed and provided to program staff and made available to parents of enrolled students.</li> <li>b) Restraint prevention and behavior support policy and procedures shall include, but not be limited to: methods for preventing student violence, self-injurious behavior and suicide; methods for engaging parents and youth in discussions about restraint prevention and use; a description and explanation of the program’s alternatives to physical restraint and method of physical restraint in emergency situations; a statement prohibiting: medication restraint, mechanical restraint, prone restraint unless permitted pursuant to 603 CMR 46.03(1)(b), seclusion, and the use of restraint inconsistent with 603 CMR 46.00; a description of the program’s training requirements, reporting requirements, and follow-up procedures; a procedure for receiving and investigating complaints; a procedure for conducting periodic review of data and documentation on the program’s use of restraint; a procedure for implementing the reporting requirements; a procedure for making both oral and written notification to the parent; and a procedure for the use of time-out.</li> </ol> </li> <li>2. Each principal or director shall determine a time and method to provide all program staff with training regarding the program’s restraint prevention and behavior support policy and requirements when restraint is used. Such training shall occur within the first month of each school year and, for employees hired after the school year begins, within a month of their employment.</li> <li>3. At the beginning of each school year, the principal or director of each public education program or his/her designee shall identify program staff members who are authorized to serve as a program-wide resource to assist in ensuring proper administration of physical restraint. Such staff shall have in-depth training on the use of physical restraint.</li> <li>4. The program administers physical restraint on students only in emergency situations of last resort when needed to protect a student and/or a member of the school community from assault or imminent, serious, physical harm and with extreme caution in order to prevent or minimize any harm to the student as a result of the use of physical restraint.</li> </ol> <p>M.G.L. c. 71, s. 37G; 603 CMR 46.00 update effective January 1, 2016</p> |

|                         |   |
|-------------------------|---|
| <b>CRITERION NUMBER</b> |   |
|                         | <b>Legal Standard</b>   |
|                         | <p><b>Implementation Guidance:</b><br/> Only staff who have received training under part 1a) or b) may administer physical restraint on students, except that all staff may use reasonable force to protect themselves or others from assault or imminent, serious physical harm.</p> |

**Department of Elementary and Secondary Education Comments:**

*A review of documentation and staff interviews indicated that the collaborative's restraint and behavior support policy does not contain the required elements for conducting periodic review of data and documentation on the use of restraint. Additionally new staff were not consistently provided all elements of required training within 30 days of employment.*

|                         |  |
|-------------------------|--|
| <b>CRITERION NUMBER</b> |  |
|                         | <b>Legal Standard</b>  |
| <b>CR 18A</b>           | <p><b>Collaborative employment practices</b><br/> Collaborative employment practices in general are free from discrimination on the basis of race, color, national origin, sex, or disability. The collaborative's employee recruitment is aimed at reaching all groups, including members of linguistic, ethnic, and racial minorities, females and males, and persons with disabilities.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(c); EEOA: 20 U.S.C. 1703(d); Title IX: 20 U.S.C. 1681; 34 CFR 106.51-106.61; Section 504: 29 U.S.C. 794; 34 CFR 104.11-104.14; Title II: 42 U.S.C. 12132; 28 CFR 35.140; Mass. Const. amend. art 114</p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| <b>CRITERION NUMBER</b> |  |
|-------------------------|--|
|                         | <b>Legal Standard</b>  |
| <b>CR 20</b>            | <p><b>Staff training on confidentiality of student records</b><br/> The collaborative trains school personnel on the provisions of the Family Educational Rights and Privacy Act, M.G.L. c. 71, s. 34H, and 603 CMR 23.00 and on the importance of information privacy and confidentiality.</p> <p>FERPA: 20 U.S.C. § 1232g; 34 CFR Part 99; M.G.L. c. 71, § 34H; 603 CMR 23.00, esp. 23.05(3)</p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| <b>CRITERION NUMBER</b> |   |
|-------------------------|---|
|                         | <b>Legal Standard</b>   |
| <b>CR 21</b>            | <p><b>Staff training regarding civil rights responsibilities</b><br/> The collaborative provides in-service training for all school personnel at least annually regarding civil rights responsibilities, including the prevention of discrimination and harassment on the basis of students' race, color, sex, religion, national origin and sexual orientation and the appropriate methods for responding to it in the school setting.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3; EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31-106.42; M.G.L. c. 76, § 5; 603 CMR 26.00, esp. 26.07(2), (3)</p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| <b>CRITERION NUMBER</b> |  |
|-------------------------|--|
|                         | <b>Legal Standard</b>  |
| <b>CR 24</b>            | <p><b>Curriculum review</b><br/> The collaborative ensures that individual teachers in the collaborative review all educational materials for simplistic and demeaning generalizations, lacking intellectual merit, on the basis of race, color, sex, gender identity, religion, national origin and sexual orientation. Appropriate activities, discussions and/or supplementary materials are used to provide balance and context for any such stereotypes depicted in such materials.</p> <p>M.G.L. c. 76, s. 5; 603 CMR 26.05(2) as amended by Chapter 199 of the Acts of 2011</p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*



**APPROVED PUBLIC DAY PROGRAM  
LEGAL STANDARDS,  
COMPLIANCE RATINGS AND  
COMMENTS**

**AREA 3: ADMINISTRATION – MANUALS AND HANDBOOKS**

| <b>CRITERION NUMBER</b>  |   |
|--|---|
|  | <b>REQUIREMENTS</b>   |
| <p><b>3.1 Policies &amp; Procedures Manual</b></p> <p>28.09(11)(b)</p> | <p>All approved public day program shall maintain onsite a policies and procedures manual and shall provide written notice to parents of enrolled students that copies of such policies and procedures are available upon request.</p> <p>The program’s manual must contain a Table of Contents and a policy for all subject areas. The policies and procedures must include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Reporting Suspected Child Abuse/Neglect to DCF and to the Disabled Persons Protection Commission (Criterion 3.1(c));</li> <li>• Evacuation and Emergency Procedures (3.1(d) ;</li> <li>• Immediate Notification (Form2) (Criterion 4.5);</li> <li>• State and District-Wide Assessments (Criterion 7.3);</li> <li>• Program Modifications and Support Services for Limited English Proficient (LEP) students (Criterion 8.4);</li> <li>• IEP Progress Reports (Criterion 8.8);</li> <li>• Less Restrictive Placement (Criterion 8.10);</li> <li>• Transition Planning (Criterion 8.11);</li> <li>• Behavior Management (Criterion 9.1);</li> <li>• Student Separation Resulting From Behavior Management (Criterion 9.1(a));</li> <li>• Runaway Students (Criterion 9.3);</li> <li>• Physical Restraint (Criterion 9.4);</li> <li>• 3-5 Day Suspensions (Criterion 9.5);</li> <li>• 10+ Day Suspensions (Criterion 9.6);</li> <li>• Terminations (Criterion 9.7);</li> <li>• Supervision of Students (Criterion 11.11); New Staff Orientation and Annual In-Service Training (Criterion 12.1 and 12.2);</li> <li>• Parent Involvement (Criterion 15.1);</li> <li>• Change of Student’s Legal Status (Criterion 15.4);</li> <li>• Parent Consent and Notification(Criterion 15.5);</li> <li>• Registering Complaints and Grievances – parents, students and employees (Criterion 15.8);</li> <li>• Student Transportation and Transportation Safety (<b>Only where applicable</b>) (Criterion 17.1); and</li> <li>• Participation of the public day school program as well as school district representatives at the TEAM and other key meetings, including reviewing/revising the IEP (34 CFR 300.321).</li> </ul> |

**Department of Elementary and Secondary Education Comments:**

*A review of documentation indicated that the collaborative's policy and procedures manual does not contain all required elements.*

| CRITERION NUMBER  |  |
|---|--|
|   | REQUIREMENTS   |
| <p><b>3.2 Health Care Manual</b><br/><br/>18.05 (9)</p> | <p>The program maintains a written and current Health Care Manual containing a Table of Contents and all required health-related policies and procedures. The program’s physician or a registered nurse shall aid in the development of the Health Care Manual. The program’s licensed physician or a registered nurse shall approve the Health Care Manual.</p> <p>The manual is readily available to all staff and includes the following:</p> <ul style="list-style-type: none"> <li>• Food and Nutrition (Criterion 14.2); (where applicable)</li> <li>• Toileting Procedures (for schools that enroll students who require toilet training or diapering only)(Criterion 14.3);</li> <li>• Physician Consultant (Criterion 16.2); (where applicable)</li> <li>• Provision of Medical, Nursing, and Infirmary Care (Criterion 16.3) (where applicable)</li> <li>• Emergency First Aid and Medical Treatment (Criterion 16.4);</li> <li>• Administration of Medications (Criterion 16.5);</li> <li>• <b>Administration of Anti-psychotic Medications (Criterion 16.6);</b></li> <li>• <b>Preventive Health Care (Criterion 16.7);</b></li> <li>• <b>Receipt of Medical Treatment – Religious Beliefs (Criterion 16.8);</b></li> <li>• Protection from Exposure Based on Allergy to Food, Chemical or Other Material (Criterion 16.11); and,</li> <li>• No Smoking Policy pursuant to G.L. c. 71, § 37H (Criterion 16.12).</li> </ul> <p><b>NOTE:</b> Approved Day Schools must follow the Department of Public Health regulations.</p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

**AREA 4: DISCLOSURE OF INFORMATION**

| <b>CRITERION NUMBER</b>  |  |
|--|--|
|  | <b>REQUIREMENTS</b>  |
| <p><b>4.2<br/>Public Information and Postings</b></p> <p>28.09(6)(a, b, c, d, e);<br/>28.09(2)(b)(4)</p> | <p>The following information must be publicly posted:</p> <ul style="list-style-type: none"> <li>• First aid procedures;</li> <li>• Emergency procedures;</li> <li>• Emergency telephone numbers;</li> <li>• Current ESE approval certificate</li> </ul> |

**Department of Elementary and Secondary Education Comments:**  
*There are no issues identified for this criterion.*

| <b>CRITERION NUMBER</b>   |   |
|---|---|
|   | <b>REQUIREMENTS</b>   |
| <p><b>4.5<br/>Immediate Notification</b></p> <p>18.03(10);<br/>18.05(7);<br/>28.09(12) (a, b)</p> | <p>The program shall develop and implement a written procedure describing how it notifies all appropriate parties of serious incidents within the program and identifying the person responsible for making this notification.</p> <p><b>For ALL students (Massachusetts and Out-of-State students)</b><br/>The program makes immediate notification to the parent, the public school district special education administrator, and to any state agency involved in the student’s care or placement (by telephone and letter), and the Department of Elementary and Secondary Education (by telephone and Form 2) of the following incidents:</p> <ul style="list-style-type: none"> <li>• Death of a student;</li> <li>• Filing of a 51-A report with DCF, or a complaint to the Disabled Persons Protection Commission against the school or a school staff member for abuse or neglect of a student;</li> <li>• Any action taken by a federal, state or local agency that might jeopardize the school’s approval with the Department; and</li> <li>• Any legal proceeding brought against the school or its employee(s) arising out of circumstances related to the care or education of any of its students regardless of state of residency.</li> </ul> <p><b><u>For Massachusetts Students Only:</u></b></p> <ul style="list-style-type: none"> <li>• The hospitalization of a Massachusetts student (including out-patient emergency room visits) due to physical injury at school or previously unidentified illness, accident or disorder which occurs while the student is in the program;</li> </ul> |

|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>• Massachusetts student injury resulting from a motor vehicle accident during transport by school staff (including contracted staff) which requires medical attention;</li> <li>• Massachusetts student serious injury requiring emergency medical intervention resulting from a restraint</li> <li>• Massachusetts student run away;</li> <li>• Emergency termination of a Massachusetts student under circumstances in which the student presents a clear and present threat to the health and safety of him/herself or others pursuant to 18.05(7) (d); and</li> <li>• Any other incident of serious nature that occurs to a Massachusetts student.</li> </ul> |
|--|--|

**Department of Elementary and Secondary Education Comments:**

*A review of documentation indicated that the collaborative has not updated the Immediate Notification Procedures to align with current requirements.*

**AREA 5: ADMINISTRATION AND ADMISSION PROCEDURES**

| CRITERION NUMBER   | REQUIREMENTS  |
|--|---|
| <p><b>5.2 Policies and Procedures for Coordination/ Collaboration with Public School Districts &amp; Contents for Coordination/ Collaboration with Public School Districts</b></p> <p><b>28.06(2-3)</b><br/><b>28.09(9)(c) &amp;(d)</b><br/><b>28.09(2)(b)7</b></p> <p><b>Federal Regulations: 300.349 and 300.400-.401</b></p> <p><b>28.06(2-3)</b></p> | <p>The collaborative has policies and procedures that describe roles and responsibilities of the program and its staff as well as general communication and collaboration procedures that address the following:</p> <ul style="list-style-type: none"> <li>a. Consideration of possible placement and admissions process;</li> <li>b. IEP development and implementation and roles in 3-year eligibility re-determinations;</li> <li>c. Contents of and general arrangements for executing contracts with placing school districts;</li> <li>d. Participation of the program as well as school district representatives at the Team and other key meetings, including reviewing/revising the IEP;</li> <li>e. Written progress reports;</li> <li>f. Documentation regarding student-related developments, including matters involving students’ behavioral plans, functional behavioral assessments, manifestation determinations, imposition of discipline, etc.</li> <li>g. Administration of tests;</li> <li>h. Preparations for students returning to a public school or other less restrictive setting;</li> <li>i. Preparations for students approaching or reaching ages 14, 16 and 18, later education, and adult life, consistent with IDEA “transition” requirements and state age-of-majority law;</li> <li>j. Monitoring of student progress;</li> <li>k. Conditions for issuance of certificates of attendance or program completion by the educational collaborative.</li> </ul> |

| CRITERION NUMBER  |              |
|---|--------------|
|   | REQUIREMENTS |
| <b>28.07(5)</b><br><b>28.09(9)(c)</b><br><b>&amp;(d)</b><br><b>28.09(2)(b)7</b> |              |

**Department of Elementary and Secondary Education Comments:**  
*There are no issues identified for this criterion.*

**AREA 8: EDUCATIONAL PROGRAM REQUIREMENTS  
INDIVIDUALIZED EDUCATION PROGRAMS**

| CRITERION NUMBER   |   |
|--|---|
|  | REQUIREMENTS  |
| <b>8.5</b><br><b>Current IEP</b><br><b>&amp; Student</b><br><b>Roster</b><br><br>28.09(5)(a) | The program has on file a current IEP for each enrolled Massachusetts student that has been issued by the responsible public school district and consented to and dated by the student’s parent(s) (or student, when applicable). |

**Department of Elementary and Secondary Education Comments:**  
*There are no issues identified for this criterion.*

| CRITERION NUMBER  |   |
|---|---|
|   | REQUIREMENTS  |
| <b>8.8</b><br><b>IEP –</b><br><b>Progress</b><br><b>Reports</b><br><b>28.07(3)</b><br><br><b>34 CFR</b> | <p>The program shall send copies, quarterly or concurrent with the sending school district’s report cards, of progress reports to the public school.</p> <p>Such reports must include written information on the student’s progress toward the annual goals in the IEP (specifying each quarter), including information on the extent to which such progress is sufficient to enable the child to achieve the goals by the end of the year.</p> |

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| CRITERION NUMBER |  |
|------------------|--|
|                  | REQUIREMENTS   |
| 33.320(a)(3)(ii) | Copies of progress reports shall be maintained in student records, <u>including documentation of persons or agencies receiving such reports.</u> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

**AREA 9: EDUCATIONAL PROGRAM REQUIREMENT  
STUDENT DISCIPLINE AND BEHAVIOR MANAGEMENT**

| CRITERION NUMBER   |  |
|--|--|
|  | REQUIREMENTS   |
| <p><b>9.1<br/>Policies and Procedure for Behavior Management</b></p> <p>18.03(7)(b)(2);<br/>18.05(5, 6, 7);<br/>28.09(11); 603<br/>CMR 46.00;<br/>ESE Advisory on Restraint in Special Education Programs dated 12/20/05</p> | <p>The policy must include a description of the behavior management procedures used in the facility including the following if applicable:</p> <ul style="list-style-type: none"> <li>• Level/point systems of privileges, including procedures for the student’s progress in the program;</li> <li>• The type and range of restrictions a staff member can impose for unacceptable behavior, including suspension and termination;</li> <li>• The form of restraint used in an emergency; the behavioral interventions used as alternatives to restraint, and the controls on abuse of such restraints (See 603 CMR 46.00 and 12/20/05 ESE Advisory on Restraint); and</li> <li>• Any denial or restrictions of on-grounds program services.</li> </ul> <p><b>NOTE:</b> Meals shall not be withheld as a form of punishment or behavior management. No student shall be denied or <b>unreasonably delayed a meal for any reason other than medical prescriptions.</b></p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| CRITERION NUMBER  |   |
|---|---|
|   | REQUIREMENTS  |
| <p><b>9.1(a)<br/>Student Separation Resulting from Behavior Management</b></p> <p>18.05(5)(i);<br/>18.05(6, 7);<br/>46.02(5)(b)</p> | <p>If the program’s behavior management policy and procedures result in a student being separated in a room apart from the group or program activities, it shall include, but not be limited to, the following:</p> <ol style="list-style-type: none"> <li>1. Guidelines for staff in the utilization of such an area;</li> <li>2. Persons responsible for implementing such procedures;</li> <li>3. The duration of the procedures including procedures for approval by the chief administrative person or his/her designee for any period longer than 30 minutes;</li> <li>4. Requirement that students shall be observed at all times and in all parts of the room, and that the staff shall be accessible at all times; and</li> <li>5. A means of documenting the use of time-out for an individual student, including, at a minimum, length of time, reasons for this intervention, who approved the procedure, and who monitored the student during the time out. <ul style="list-style-type: none"> <li>• Time out rooms shall not be locked.</li> <li>• Any room or space used for the practice of separation must be physically safe and appropriate to the population served by the facility.</li> </ul> </li> </ol> |

**Department of Elementary and Secondary Education Comments:**

*A review of documentation and staff interviews indicated that procedure for student separation resulting from behavior support does not include language that separation shall cease as soon as the student has calmed, and logs used to document separation do not indicate administrator approval for separations longer than 30 minutes. A review of documentation indicated that the Seaside program does not have a procedure for student separation resulting from behavior support.*

| CRITERION NUMBER  |   |
|---|---|
|   | REQUIREMENTS  |
| <p><b>9.4<br/>Physical Restraint (Day programs only)</b></p> <p>18.05(5); 603<br/>CMR 46.00</p> | <p>The program shall have a written policy on the use of physical restraint and administer physical restraint in accordance with the requirements of 603 CMR 46.00.</p> <p>The policy and procedures must include the following:</p> <ul style="list-style-type: none"> <li>• Parent/guardian consent to the implementation of restraint pursuant to the program’s policy must be obtained annually.</li> <li>• The use of chemical or mechanical restraint is prohibited unless explicitly authorized by a physician and approved in writing by the parent or guardian.</li> <li>• The use of seclusion restraint is prohibited.</li> <li>• Methods for preventing student violence, self-injurious behavior, and</li> </ul> |

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|------------------|---|
|                  | REQUIREMENTS  |
|                  | <p>suicide, including de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student;</p> <ul style="list-style-type: none"> <li>• A description and explanation of the school's or program's method of physical restraint,</li> <li>• A description of the program's training requirements for all staff and intensive training for staff who serve as restraint resources for the program,</li> <li>• Reporting requirements and follow-up procedures for reports to parents/guardians and to the Department,</li> <li>• A procedure for receiving and investigating complaints regarding restraint practices.</li> <li>• Floor or prone restraints shall be prohibited unless the staff member administering the restraint has received in-depth training according to the requirements of 603 CMR 46.03(3) and, in the judgment of the trained staff member, such method is required to provide safety for the student or others present.</li> <li>• The director or his/her designee shall maintain an on-going record of all instances of physical restraint, which shall be made available for review by the Department of Elementary and Secondary Education, upon request,</li> </ul> <p><b>NOTE:</b> A program within a program or facility subject to M.G.L. c. 123 or Department of Mental Health Regulations must comply with the restraint requirements of M.G.L. c. 123, 104 CMR 27.12 or 104 CMR 28.05, where applicable.</p> |

**Department of Elementary and Secondary Education Comments:**

*See CCR 17A*

| CRITERION NUMBER   |  |
|--|--|
|  | REQUIREMENTS   |
| <p><b>9.6<br/>10+ Day<br/>Suspensions</b></p> <p>34 CFR<br/>300.530 – 537<br/>18.05(7)</p> | <p>The program shall develop and implement the following procedures when suspensions constitute a change of placement. A suspension is a change of placement when: 1) it exceeds 10 consecutive school days or 2) it is one of a series of suspensions that constitute a pattern under 34 CFR 300.536.</p> <ul style="list-style-type: none"> <li>• A request is made of the student's responsible school district to convene an IEP Team meeting prior to a suspension that constitutes a change in placement of a student with disabilities.</li> <li>• The program participates in the TEAM meeting: <ul style="list-style-type: none"> <li>○ To develop or review a functional behavioral assessment of the student's behavior and to develop or modify a behavior intervention plan;</li> </ul> </li> </ul> |

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|------------------|--|
|                  | REQUIREMENTS   |
|                  | <ul style="list-style-type: none"> <li>○ To identify appropriate alternative educational setting(s); and</li> <li>○ To conduct a manifestation determination (i.e. to determine the relationship between the disability and the behavior).</li> </ul> <ul style="list-style-type: none"> <li>● If the TEAM determines that the behavior is <u>NOT</u> a manifestation of the disability, the school may suspend or terminate the student consistent with policies applied to any other student in the program. The responsible school district must, however, offer an appropriate education program to the student that may be in some other setting.</li> <li>● If the TEAM determines that the behavior <u>IS</u> a manifestation of the disability, the TEAM, takes steps to modify the IEP, the behavior intervention plan, and/or the placement.</li> </ul> <p><b>NOTE:</b> Sending a student home “early” or an in-school suspension of a student who is not receiving instruction from either a licensed teacher or a paraprofessional who is being supervised by a licensed teacher is considered a suspension if the student’s IEP does not allow for the modification of learning time requirements of the Board of Elementary and Secondary Education.</p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

**AREA 11: EDUCATIONAL STAFFING REQUIREMENTS - PERSONNEL POLICIES**

| CRITERION NUMBER  |  |
|---|--|
|   | REQUIREMENTS   |
| <p><b>11.12<br/>Equal Access</b></p> <p>Mass. Const. amend. Art. 114; M.G.L. c. 76, § 5; 603 CMR 26.00 as amended by Chapter 199 of the Acts of</p> | <p>The collaborative provides all students with equal access to services, facilities, activities and benefits regardless of race, color, sex, gender identity, religion, national origin, sexual orientation, disability or homelessness.</p> <ol style="list-style-type: none"> <li>1. The program provides equal opportunity for all students to participate in intramural and interscholastic sports; and</li> <li>2. Extracurricular activities or clubs sponsored by the program do not exclude students on the basis of race, color, sex, gender identity, religion, national origin, sexual orientation, disability or homelessness.</li> </ol> |

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|--|--------------|
|  | REQUIREMENTS |
| 2011; Title VI:<br>42 U.S.C.<br>2000d; 34 CFR<br>100.3(a), (b);<br>Title IX: 20<br>U.S.C. 1681; 34<br>CFR 106;<br>Section 504: 29<br>U.S.C. 794; 34<br>CFR 104; Title<br>II: 42<br>U.S.C.12132;<br>28 CFR 35.130;<br>NCLB: Title X,<br>Part C, § 721 |              |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

**AREA 12: EDUCATIONAL STAFFING REQUIREMENTS – STAFF TRAINING**

| CRITERION NUMBER   |  |
|--|--|
|  | REQUIREMENTS   |
| <b>12.2<br/>           In-Service<br/>           Training<br/>           Plan and<br/>           Calendar</b><br><br>28.09(7)(f);<br>28.09(9)(b);<br>28.09(10);<br>18.03(3);<br>18.05(9)(e)(1)<br>; 18.05(10);<br>18.05(11)(h)<br>Title VI: 42 | <p>All staff, including new employees, interns and volunteers, must participate in annual in-service training on average at least two hours per month.</p> <p>The following topics are <u>required</u> in-service training topics and <u>must</u> be provided annually to <u>all staff</u>:</p> <ol style="list-style-type: none"> <li>a. Reporting abuse and neglect of students to the Department of Children and Families and/or the Disabled Persons Protection Commission;</li> <li>b. Disciplinary and Behavior Management Procedures used by the program, such as positive reinforcement, point/level systems, token economies, time-out procedures and suspensions and terminations; as well as Restraint Procedures including de-escalation methods used by the program;</li> <li>c. Runaway policy;</li> <li>d. Emergency procedures including Evacuation Drills and Emergency Drills; and</li> <li>e. Civil rights responsibilities (discrimination and harassment).</li> </ol> |

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| CRITERION NUMBER   |  |
|--|--|
|  | REQUIREMENTS   |
| U.S.C. 2000d;<br>34 CFR 100.3;<br>EEOA: 20<br>U.S.C.<br>1703(f); Title<br>IX: 20 U.S.C.<br>1681; 34 CFR<br>106.31-<br>106.42;<br>M.G.L. c. 76,<br>§ 5; 603 CMR<br>26.00,<br>esp26.07(2, 3) | <p>The following <u>additional</u> topics are <u>required</u> in-service training topics and <u>must</u> be provided annually <u>to all teaching staff</u>:</p> <ul style="list-style-type: none"> <li>• How the learning standards of the Massachusetts Curriculum Frameworks are incorporated into the program’s instruction;</li> <li>• Procedures for inclusion of all students in MCAS testing and/or alternate assessments; and</li> <li>• Student record policies and confidentiality issues.</li> </ul> <p>The following <u>additional</u> topics are <u>required</u> in-service training topics and <u>must</u> be provided annually <u>to appropriate staff based on their job responsibilities</u>:</p> <ul style="list-style-type: none"> <li>• CPR training and certification;</li> <li>• Medication administration (including, but not limited to, administration of antipsychotic medications and discussions of medications students are currently taking and their possible side effects);</li> <li>• Transportation safety (for staff with transportation-related job responsibilities); and</li> <li>• Student record policies and confidentiality issues (for staff who oversee, maintain or access student records).</li> </ul> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

| CRITERION NUMBER  |  |
|---|--|
|   | REQUIREMENTS   |
| <b>12.2(a)<br/>           Required<br/>           Training -<br/>           Behavior<br/>           Management<br/>           and Restraint<br/>           Training</b><br><br>18.05(5, 6, 7) | <p>Training on behavior management and suspension and termination procedures includes:</p> <ul style="list-style-type: none"> <li>• Program’s student conduct/discipline code</li> <li>• Description of safeguards for students’ emotional, physical, and psychological well-being</li> <li>• Policies on use of time-out procedures and techniques for dealing with disruptive and violent behavior</li> <li>• Detailed procedures pertaining to the use of any type of restraint, which must meet or exceed any requirements in applicable state regulations or policy</li> <li>• Procedures for obtaining and recording data regarding student discipline and behavior along with a description of how such data will be integrated into IEP</li> </ul> |

| CRITERION NUMBER |  |
|------------------|--|
|                  | REQUIREMENTS   |
|                  | <p>Team discussions</p> <ul style="list-style-type: none"> <li>• Procedures for obtaining parental consent, if appropriate, for behavior management procedures</li> </ul> <p>NOTE: An educational program within a program or facility subject to M.G.L. c. 123 or Department of Mental Health Regulations must comply with the restraint requirements of M.G.L. c. 123, 104 CMR 27.12 or 104 CMR 28.05, where applicable.</p> |

**Department of Elementary and Secondary Education Comments:**  
*See CCR 17A.*

| CRITERION NUMBER  |   |
|---|---|
|   | REQUIREMENTS  |
| <p><b>12.2(d)<br/>Required<br/>Training-<br/>Medication<br/>Training</b></p> <p>18.05(9)(f)(3)(c)</p> | <p>Training about the nature of a medication, potential side effects and any special precautions or requirements shall be provided by a physician or registered nurse to all staff providing care or instruction to students for whom any staff administers medication.</p> |

**Department of Elementary and Secondary Education Comments:**  
*There are no issues identified for this criterion.*

**AREA 13: PHYSICAL FACILITY AND EQUIPMENT REQUIREMENTS**

| <b>CRITERION NUMBER</b>  |  |
|--|--|
|  | <b>Legal Standard</b>  |
| <p><b>13.4 Physical Facility/Architectural Barriers</b></p> <p>18.04(8);<br/>Section 504:<br/>29 U.S.C.<br/>794; 34 CFR<br/>104.21,104.22<br/>; Title II: 42<br/>U.S.C. 12132;<br/>28 CFR<br/>35.149,<br/>35.150; Mass.<br/>Const. amend.<br/>art. 114</p> | <p>A program shall assure that students with limited mobility have access, free from barriers to their mobility, to those areas of the buildings and grounds to which such access is necessary for the implementation of the IEPs for such students. All programs receiving federal funds shall meet the requirements of Section 504 of the Rehabilitation Act of 1973.</p> <p>A program which enrolls students requiring wheelchairs shall have at least one entrance without steps and wide enough for a wheelchair, for each building utilized in carrying out the IEPs for such students.</p> <p>If any part of the program is not accessible to students with limited physical mobility, a plan and timetable shall be provided that describes how the program will make all programs and appropriate buildings accessible.</p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

**AREA 15: PARENT AND STUDENT INVOLEMENT**

| <b>CRITERION NUMBER</b>   |  |
|---|--|
|   | <b>REQUIREMENTS</b>  |
| <p><b>15.5 Parent Consent and Required Notification</b></p> <p>18.05(5)(c);</p> | <p>The program shall develop and implement policy and procedures to work with school districts to obtain the following consents:</p> <ul style="list-style-type: none"> <li>• <b><u>Annual:</u></b> <ul style="list-style-type: none"> <li>○ Emergency medical treatment</li> <li>○ Restraints</li> <li>○ Medication Administration (when applicable)</li> </ul> </li> </ul> |

| CRITERION NUMBER  |  |
|---|--|
|   | REQUIREMENTS   |
| 18.05(8);<br>18.05(9)(f)(1);<br>18.05 (9)(j);<br>M.G.L. c. 71,<br>§ 32A | <ul style="list-style-type: none"> <li>• <b><u>When applicable:</u></b> <ul style="list-style-type: none"> <li>○ Research</li> <li>○ Experimentation</li> <li>○ Fundraising</li> <li>○ Publicity and</li> <li>○ Observation</li> </ul> </li> </ul> <p>The program’s policy and procedures shall include, when applicable, notification pursuant to Parental Notification Law M.G.L. c. 71, § 32A concerning curriculum that primarily involves human sexual education or human sexuality issues.</p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

**AREA 16: HEALTH AND MEDICAL SERVICES**

| CRITERION NUMBER  |  |
|---|--|
|   | REQUIREMENTS   |
| <b>16.3<br/>Nursing</b><br><br>18.05(9)(b)<br>M.G.L c. 112<br>M.G.L. c. 71,<br>§§ 53, 53A,<br>and 53B | <p>The program shall have a registered nurse available depending upon the health care needs of the school population.</p> <p><b><u>NOTE:</u></b> School Nurse means a nurse practicing in a school setting, who is:</p> <ol style="list-style-type: none"> <li>(1) a graduate of an approved school for professional nursing;</li> <li>(2) currently licensed as a Registered Nurse pursuant to M.G.L c. 112; and</li> <li>(3) appointed by a School Committee or a Board of Health in accordance with M.G.L. c. 71, §§ 53, 53A, and 53B or, in the case of a private school, by the Board of Trustees.</li> </ol> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*

**AREA 18: STUDENT RECORDS**

| <b>CRITERION NUMBER</b>  |  |
|--|--|
|  | <b>REQUIREMENTS</b>  |
| <p><b>18.1 Confidentiality of Student Records</b></p> <p>28.09(5)(a);<br/>28.09(10);<br/>23.07(1);<br/>M.G.L. c. 71, § 34H</p> | <p>Programs shall keep current and complete files for each publicly funded enrolled Massachusetts student and shall manage such files consistent with the Massachusetts Student Record Regulations of 603 CMR 23.00 and M.G.L. c. 71, § 34H.</p> <ul style="list-style-type: none"> <li>• The program shall make the individual records of enrolled Massachusetts students available to the Department of Elementary and Secondary Education upon request.</li> <li>• Staff notes or reports regarding a student shall be legibly dated and signed by persons making entries.</li> <li>• A log of access shall be kept as part of each student’s record. If parts of the student record are separately located, a separate log shall be kept with each part. The log shall indicate all persons who have obtained access to the student record, stating: <ul style="list-style-type: none"> <li>The name, position and signature of the person releasing the information; the name, position and, if a third party, the affiliation if any, of the person who is to receive the information;</li> <li>The date of access;</li> <li>The parts of the record to which access was obtained; and</li> <li>The purpose of such access.</li> </ul> </li> </ul> <p><b>NOTE:</b> Unless student record information is to be deleted or released, this log requirement shall not apply to authorized personnel who inspect the student record, administrative office staff and clerical personnel who add information to or obtain access to the student record and the school nurses who inspect the student health record</p> |

**Department of Elementary and Secondary Education Comments:**

*There are no issues identified for this criterion.*